

STATE OF NORTH CAROLINA
COUNTY OF WAKE

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2019 MAR -1 PM 3:45

IN RE: SEARCH WARRANT
ISSUED IN CONNECTION
WITH THE INVESTIGATION
BY N.C. STATE BUREAU OF
INVESTIGATION 2018-00619

WAKE COUNTY, C.S.C.

MOTION

Now comes the State of North Carolina by and through District Attorney Lorrin Freeman for an order sealing the search warrant, the application of search warrant and the inventories of the items seized pursuant to the search warrant by the N.C. State Bureau of Investigation. The State shows the following:

1. The N.C. State Bureau of Investigation is involved in an ongoing investigation. At this time, no charges have been initiated and the investigation continues.
2. That the investigators with the N.C. State Bureau of Investigation applied for a search warrant to obtain records in the custody and control of Wells Fargo Bank, N.A. on January 17, 2019. This search warrant will be served upon Wells Fargo Bank, N.A. at the Wells Fargo branch located at 1301 Fifth Avenue, Garner, NC 27529.
3. That once served return of the search warrant, the return and inventories of items seized will be made to the Wake County Clerk of Superior Court.
4. That these search warrants, including the inventories, and the returns thereof, have not been filed heretofore with the Wake County Clerk of Court.
5. That the affidavit attached to these search warrants include information that has not been previously been made public and to publicly disclose the information might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the State to prosecute a defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

WHEREFORE, the State moves the Court seal the application for search warrant and search warrant applied for on January 17, 2019, the return and inventories of items seized by the N.C. State Bureau of Investigation and this motion.

This, the 17th day of January 17, 2019


N. Lorrin Freeman
District Attorney

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE
COUNTY OF WAKE 2019 MAR -1 PM 3:45 SUPERIOR COURT DIVISION

IN RE: SEARCH WARRANT)
ISSUED IN CONNECTION) *ENR*
WITH THE INVESTIGATION BY) ORDER RE: SEARCH WARRANT
N.C. STATE BUREAU OF)
INVESTIGATION 2018-00619)

THIS CAUSE HAVING COME ON TO BE HEARD before the Judge
Presiding, and it appearing to the Court:

1. That a search warrant was issued on January 17, 2019, at the request of the N.C. State Bureau of Investigation as part of an ongoing investigation. This search warrant was for the purpose of obtaining records in the custody and control of the Wells Fargo Bank, N.A.
2. That the success of this investigation by the N.C. State Bureau of Investigation may be hindered by the publishing, at this time, of the contents of the application and warrant, and return thereof, this Motion and Order in the several manners described in the State's Motion to Seal.
3. That information included in the search warrant, any attachments, application for search, the inventories of items seized, and the return includes sensitive information which is the subject of an ongoing investigation. The Court finds that return of the search warrant, any attachments, application for search, the inventories of items seized and the return is proper in Wake County based on the search warrant having been served in Wake County and in an effort to protect the investigation.
4. That the interest of justice will best be served by temporarily sealing said warrant, any attachments, return, application for search, the inventories of items seized, the Motion and Order.
5. That to publicly disclose the basis for the search warrant, or the inventory of those matters recovered from this location might hamper or impede this investigation and/or may release information that could adversely affect persons who are not charged with committing a crime and materially prejudice further adjudicable procedures involving this investigation and any subsequent prosecution and will jeopardize the right of the state to prosecute a

defendant or the right of the defendant to receive a fair trial or will undermine an ongoing investigation.

6. The information gained in the execution of this search warrant may be of substantial investigative value, leading to other searches, and that this entire investigation is an active process at this time.

It is therefore ORDERED that the application and search warrant, issued on the above referenced date, and the return and inventories therefore, and this Motion be sealed by the Court and the contents thereof not released for period of 90 days, with leave to request an additional period upon showing of good cause.

This, the 17th day of January 2019.


Superior Court Judge

SEARCH WARRANT

IN THE MATTER OF

Leslie McCrae Dowless

Date Issued 01/17/2019 Time Issued 10:20 AM ☒ PM ☐

Name Of Applicant

Criminal Specialist D. S. Faircloth

Name Of Additional Affiant

Name Of Additional Affiant

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received

Time Received

11/1/201910:20☒ AM ☐ PM

Date Executed

Time Executed

11/1/20191:35☐ AM ☒ PMI made a search of Wills Grace Bank, N.A.301 S. Main, Garner, North Carolina22529 with Shaidza Ramirez, PersonalBanker

as commanded.

☒ I seized the items listed on the attached inventory.☐ I did not seize any items.☐ This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return

[Signature]

Department Or Agency Of Officer

NOBT

Incident Number

2018-00619

STATE OF NORTH CAROLINA

Wake

County

In The General Court Of Justice
District/Superior Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person(s) shown.

Date

Signature

01/17/19[Signature]☐

Deputy CSC

☐

Assistant CSC

☐

CSC

☐

Deputy Ct. Judge

☐

Magistrate

☐

District Ct. Judge

☒

Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below.

Date

Time

3/1/193:45☐ AM ☒ PM

Signature

[Signature][Signature][Signature][Signature][Signature]☐

Deputy CSC

☐

Assistant CSC

☐

Clerk Of Superior Court

(Over)

APPLICATION FOR SEARCH WARRANT

I, D. S. Faircloth, Criminal Specialist, North Carolina State Bureau of Investigation,

(Insert name and address, or if law enforcement officer, name, rank and agency)

being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that (Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested)

See Attachment #1

constitutes evidence of a crime and the identity of a person participating in a crime, (Name crime) NCGS 163A-920; 163A-1298(a)(6); 163A-1317

and is located (Check appropriate box(es) and fill-in specified information)

☒ in the following premises (Give address and, if useful, describe premises)

Wells Fargo Bank, N.A.

1301 5th Avenue

Gartner, North Carolina 27529

(and)

☐ on the following person(s) (Give name(s) and, if useful, describe person(s))

(and)

☐ in the following vehicle(s) (Describe vehicle(s))

(and)

☐ (Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

See Attachment #2

SWORN AND SUBSCRIBED TO BEFORE ME

Date

01/17/2019

Date

1-17-2019

Signature

[Signature]

Signature of Applicant

(S.D.) Faircloth, NCSS

☐ Magistrate

☐ Dep. CSC

☐ Asst. CSC

☐ Clerk of Superior Court

☒ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavits, attached, made by

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by

This testimony has been (check appropriate box) ☐ reduced to writing ☐ tape recorded and I have filed each with the clerk.

NOTE: If more space is needed for any section, continue the statement on an attached sheet of paper with a notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.

STATE OF NORTH CAROLINA

Wake

County

File No.

In The General Court Of Justice

☐ District ☐ Superior Court Division

IN THE MATTER OF:

Name

Leslie McChae Dowless

INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH

G.S. 15A-223, -254, -257

I, the undersigned officer, executed a search of:

Person, Premises Or Vehicle Searched

Wells Fargo Bank, N.A., 1301 5th Avenue, Garner, North Carolina 27529

Date Of Search

1/17/2019

This search was made pursuant to

- ☒ 1. a search warrant issued by: Superior Court Judge Carl Fox
- ☐ 2. consent to search given by: _____
- ☐ 3. other legal justification for the search: _____

The following items were seized:

A copy of any and all open and closed Wells Fargo Bank, N.A. accounts and records associated with Patriots for Progress, since account opening, whether held solely or jointly, to include but not limited to the following records: signature cards, account opening information, bank statements, cancelled checks, deposit slips and the items making up the deposits, cashier's checks and offsets, official checks and offsets, wire transfers and wire transfer detail, cash in/out tickets, online banking activity, and any other records associated with Patriots for Progress.

CS Finchett received the information by email from Wells Fargo Bank, N.A. on ~~March~~ 27, 2019 at \approx 3:11pm by email.

Bank Reference # 21289000

Abuany DSF

nothing further CS DS Finchett 3/1/2019

Original - File

Copy - For Search by Warrant of a Person, to Person from Whom Items Taken

Copy - For Search by Warrant of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

Copies - For Search by Consent, to Person Giving Consent and Owner of Vehicle/Premises Searched, if Known

(Over)

Items Seized Continued:

nothing further CSDS Faircloth 3/1/2019

☐ 1. I left a copy of this inventory with the person named below, who is:

- ☐ a. the owner of the premises searched.
☐ b. the owner of the vehicle searched.
☐ c. the person in apparent control of the premises searched.
☐ d. the person in apparent control of the vehicle searched.
☐ e. the person from whom the items were taken.

☒ 2. As no person was present, I left a copy of this inventory:

- ☐ a. in the premises searched, identified on the reverse.
☐ b. in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered, If Any

CSDS Faircloth emailed a copy of the inventory of items seized pursuant to search to Wells Fargo Bank, N.A. 11301 5th Avenue, Rayner, North Carolina on 3/1/2019 which will be included in the investigative case file for NCBI Case 2018-00619.

The law enforcement agency identified below will hold the seized property subject to court order.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Name Of Law Enforcement Officer (Type or print)

CSDS Faircloth CSDS Faircloth

Date
3/1/19

Name (type or print)

Joanne Turner

Signature Of Law Enforcement Officer

CSDS Faircloth

☐ Notary

Signature

Joanne Turner

Title Of Law Enforcement Officer

Criminal Specialist

Date My Commission Expires

Name And Address Of Agency

NCBI
3320 Garner Rd
Raleigh NC

SEAL

County Where Notarized

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court ☐ Magistrate

ACKNOWLEDGMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date

Signature Of Person Receiving Inventory

ATTACHMENT # 2

Affidavit of Criminal Specialist D. S. Faircloth

I, D. S. Faircloth being duly sworn depose and say the following:

I am 44 years old, a citizen of the United States and a resident of North Carolina. In the Spring of 1996, I graduated from East Carolina University with a Bachelor of Science degree in Biology.

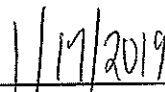
I am employed as a Criminal Specialist (CS) of the North Carolina State Bureau of Investigation. I am assigned to the Special Investigations Unit to investigate cases of public corruption and other related crimes in violation of the North Carolina criminal laws.

In my capacity as a Criminal Specialist (CS), I have been assigned to conduct a criminal investigation concerning possible absentee ballot fraud committed in Bladen County, North Carolina by Leslie McCrae Dowless (McCrae Dowless) and others. This investigation was initiated at the request of District Attorney N. Lorrin Freeman in the 10th Prosecutorial District.

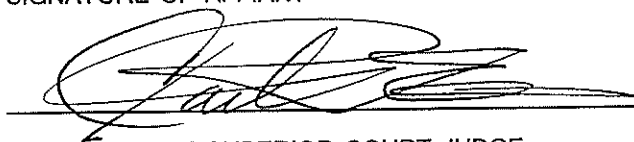
On Wednesday, October 17, 2018, this agent interviewed Tonia Gordon at a location in Bladen County, North Carolina. Gordon told CS Faircloth that McCrae Dowless gave her several blank "State Absentee Ballot Request Forms" and told her to have several individuals in Bladen County, North Carolina complete the forms. Gordon went to several individuals in Bladen County to complete the "State Absentee Ballot Request Form." Gordon would




SIGNATURE OF AFFIANT



DATE



SIGNATURE OF SUPERIOR COURT JUDGE



DATE

return all the completed "State Absentee Ballot Request Forms" back to McCrae Dowless. McCrae Dowless would then pay Gordon \$5.00 for every "State Absentee Ballot Request Form" she returned to him. Gordon would then go to the individual's residence after the ballot was mailed to the individual that requested it. Gordon would sign as a witness on the outer envelope that the individual completed their ballot. Gordon would collect the sealed envelope containing the completed ballot and return it to McCrae Dowless. McCrae Dowless would then pay \$5.00 to Gordon for the sealed envelope containing the completed ballot.

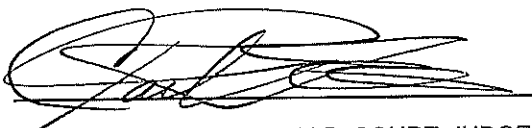
On Thursday, October 18, 2018, CS Faircloth and CS C. L. Barefoot of the North Carolina State Bureau of Investigation interviewed Kelly Hendrix at a location in Bladen County, North Carolina. Hendrix said McCrae Dowless gave her several blank "State Absentee Ballot Request Forms" and told her to go to several individuals in Bladen County, North Carolina, and have them complete the "State Absentee Ballot Request Form." Hendrix went to several individuals in Bladen County to have them complete the "State Absentee Ballot Request Form." Hendrix collected all the completed "State Absentee Ballot Request Forms" and returned them to McCrae Dowless. Hendrix said McCrae Dowless would pay her "gas money" to go to different individual's residence to have them complete the "State Absentee Ballot Request Form." Hendrix would then go to the individual's residence when the ballot was mailed to the individual's residence. Hendrix would sign as a witness that the individual filled out their ballot and placed the ballot inside a sealed envelope. Hendrix would then collect the sealed envelope containing the completed ballot from the individual and return the sealed envelope to McCrae Dowless.

CSD/Jameth, NCSBI

SIGNATURE OF AFFIANT

11/17/2019

DATE



SIGNATURE OF SUPERIOR COURT JUDGE

11/17/2019

DATE

On Thursday, December 27, 2018, CS Faircloth and CS C. L. Barefoot of the North Carolina State Bureau of Investigation interviewed Matthew Matthis at a location in Sampson County, North Carolina. Matthis identified himself as a worker for McCrae Dowless. Dowless told Matthis to go out into Bladen County, North Carolina and get individuals to complete the absentee ballot request forms. Matthis would carry 20 absentee ballot request forms to Dowless that were filled out. Dowless would pay Matthis \$112.50. Matthis would then go back to those same 20 individuals and get their completed absentee ballot and envelope and carry those to Dowless. Dowless would pay Matthis \$112.50 for the completed absentee ballots in the envelopes.


CS Faircloth has interviewed multiple individuals that were employed by Dowless in both the 2016 general election and the 2018 primary and general elections which gave similar accounts as to their dealings with McCrae Dowless.

Campaign finance reports filed with the North Carolina State Board of Elections indicate that Patriots for Progress was established on July 21, 2014 as a political action committee by Jeffery Smith. In correspondence with the State Board of Elections on July 31, 2015, McCrae Dowless identified himself as the President of Patriots for Progress. Campaign finance reports filed on behalf of the Patriots for Progress political action committee reflect payments to McCrae Dowless in 2014 and 2015. In January, 2016, in a letter sent to the State Board of Elections, it was indicated that Dowless was no longer an officer with Patriots for Progress. In a statement of organization filed March 21, 2016, Tabitha L. Joyce was reported as treasurer for

CS D. Faircloth, NC SBI

SIGNATURE OF AFFIANT

DATE



SIGNATURE OF SUPERIOR COURT JUDGE

DATE

Patriots for Progress. The filing indicated Patriots for Progress was a political action committee and under committee information the category "get out the vote" was marked. Public documents from the State Board of Elections show various "Notice of Noncompliance" letters regarding failures to file required campaign finance reports with the State Board of Elections in violation of N.C.G.S. § 163-278.27 were sent to Patriots for Progress in 2016 and through 2018. On September 19, 2017, the State Board of Elections terminated the active status of Patriots for Progress for noncompliance with the provisions of Article 22A of Chapter 163 of the General Statutes.

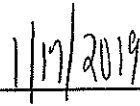
Your affiant has reviewed campaign finance reports from the 2016 election cycle for County Commissioner Candidate Ashley Trivette. Ms. Trivette is one of several local candidates who made payments to McCrae Dowless during election cycles in 2016 and 2018. The Third Quarter Campaign Finance Disclosure Report for Ms. Trivette shows two payments to McCrae Dowless for \$700 each for which the required remarks field reflects "Patriots for Progress". The Third Quarter Campaign Finance Disclosure Report for Patriots for Progress reflect no corresponding entries.

Your affiant believes there is probable cause to show violations of the North Carolina State Election and Campaign Finance Laws have occurred.

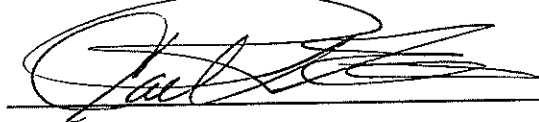
Information about the financial transactions of the Political Action Committee Patriots for Progress is valuable to the completion of the criminal investigation. Campaign finance



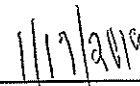
SIGNATURE OF AFFIANT



DATE



SIGNATURE OF SUPERIOR COURT JUDGE



DATE

disclosure reports indicate that Patriots for Progress used Wells Fargo Bank, N.A. as its financial institution.

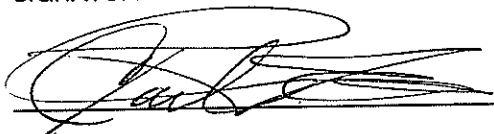
Therefore, your affiant respectfully requests that a search warrant be issued to Wells Fargo Bank, N.A. for a copy of any and all open and closed Wells Fargo Bank, N.A accounts and records associated with Patriots for Progress, since account opening, whether held solely or jointly, to include but not limited to the following records: signature cards (current and past), account opening information, bank statements cancelled checks (front and back), deposit slips and the items making up the deposits, cashier's checks and offsets, official checks and offsets, wire transfers and wire transfer detail, cash in/out tickets, online banking activity and login information, video surveillance and any other records associated with Patriots for Progress.

CS/DJ Fumith, NC SBI

SIGNATURE OF AFFIANT

11/17/2019

DATE



SIGNATURE OF SUPERIOR COURT JUDGE

11/17/2019

DATE

Attachment # 1

Description of Items to be seized

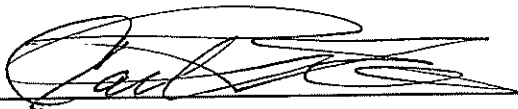
A copy of any and all open and closed Wells Fargo Bank, N.A accounts and records associated with Patriots for Progress, since account opening, whether held solely or jointly, to include but not limited to the following records: signature cards (current and past), account opening information, bank statements cancelled checks (front and back), deposit slips and the items making up the deposits, cashier's checks and offsets, official checks and offsets, wire transfers and wire transfer detail, cash in/out tickets, online banking activity and login information, video surveillance and any other records associated with Patriots for Progress.

CS/D J. Fainlett, NCSEI

SIGNATURE OF AFFIANT

11/17/2019

DATE



SIGNATURE OF SUPERIOR COURT JUDGE

11/17/2019

DATE